



state senator  
**David Long**

2006 LEGISLATIVE UPDATE

Indiana Senate  
200 W. Washington St.  
Indianapolis, IN 46204

# FUNERAL BILL

## PROTECTING THE RIGHTS OF GRIEVING FAMILIES

There is no greater sacrifice a person can make for their country than giving his or her life on the battlefield. Freedom truly is not free. When our fallen heroes return home for burial, it is one of the most difficult times in the lives of their families. Disruptive and insulting protests do not belong at a funeral. They may have their time and place, but a private service is not an appropriate venue.

Senate Enrolled Act (SEA) 5, which has recently become law, makes disorderly conduct at all funerals a Class D felony if the actions occur at a funeral home, the procession or at the gravesite. Indiana currently has a statute that makes disorderly conduct at airports, airport hangars and parking areas a Class D felony.

An extremist group headquartered in Kansas has gained notoriety by staging vulgar, disruptive protests at funerals nationwide, particularly those of fallen soldiers. They have picketed at several Indiana churches and have celebrated last year's killer tornados in Evansville, attributing the disaster to this funeral bill.

This law can help protect grieving families from hateful groups like the one from Kansas.



SEA 5 is not an attack upon freedom of speech. It simply ensures that grieving families have the right to lay their son or daughter, wife or spouse, friend or relative to rest without being harassed and taunted. Anyone is still free to protest a funeral, if they feel that is appropriate and necessary, in any forum they desire. They simply must remain at least 500 feet away from the funeral.

Finally, this bill will promote public safety by reducing possible encounters between protesters and counter-protesters, or by grieving friends and family who might feel compelled to lash back at the tasteless actions of groups like the one from Kansas.

Simply stated, the law protects grieving families from actions like those we have seen in recent months, and allows those families to lay their loved one to rest in peace.

stay connected  
to the  
indiana senate



Visit my web site at  
[www.in.gov/S16](http://www.in.gov/S16)  
where you can read my latest news releases, track bills, and learn more about Indiana laws.

During the legislative session, you can click on our [live video](#) link to watch a session day in real time.

For other information about the Indiana General Assembly, visit [www.in.gov/legislative](http://www.in.gov/legislative)

Prst Std  
U.S. Postage  
PAID  
Indianapolis, IN  
Permit No. 7767



state senator  
**David Long**  
serving district 16

200 W. WASHINGTON ST., INDIANAPOLIS, INDIANA 46204 • [WWW.IN.GOV/S16](http://WWW.IN.GOV/S16)

2006 LEGISLATIVE UPDATE

# LONG'S SENATE BILL TOUGHENS INDIANA'S SEX OFFENDER LAWS

Indiana's children are our state's most precious assets. Sadly, nearly 67 percent of all reported sexual assault crimes are committed against children. In fact, 34 percent of sexual assault victims are under age 12. Fifteen percent are under age 6. Despite efforts to better protect our children, there are still too many sexual deviants who continue to prey upon their innocence. This Session, Senator David Long authored Senate Enrolled Act (SEA) 12, which has now become law, and will provide powerful new limits and controls on sex offenders.



Senator Long studies a piece of legislation brought to him by a Senate staff member.

The new law starts with the premise that the only way to keep sexual predators from striking twice is to ensure their whereabouts are known by law enforcement. The law requires offenders found to be sexually violent predators to wear a GPS satellite monitoring device at all times. If these sex offenders plan to spend more than 72 hours from his/her principal residence, the offender must notify both the local law enforcement agency, and that of the city or county of visitation, with a complete itinerary, including a return date. Failure to do so is a felony.

Also new is the requirement that any person at least 18 years old who is convicted of a Class A or B child molesting felony shall be placed on lifetime parole once his or her prison term is complete. In addition, any individual convicted of two child molesting crimes in another state whose parole is transferred to Indiana is also required to be placed

on lifetime parole. SEA 12 also prevents courts from granting petitions for adoption or legal guardianship to a sexually violent predator or to a convicted child molester.

The Department of Corrections (DOC) has been given more authority over sex offenders by receiving control of the state sex offender registry. The DOC is now also required to register those offenders before being released from prison.

The Internet site for the Sex Offender Registry has also been updated, making it easier for citizens to discover if a sex offender is living in their neighborhood.

Finally, the new law prohibits a sexually violent predator or child molester from living or working within 1,000 feet of any school, park or youth program center, and a sexually violent predator is not permitted to live within one mile of the victim's residence. A violation of this rule is a felony.

Unfortunately, statistics show that sex offenders are four times more likely than other offenders to be arrested for another sex crime after being released from prison. This new law provides much tighter scrutiny over these predators, and places strict limits on where they can live and work. Our children deserve nothing less.

# MAJOR MOVES WILL FUND LOCAL ROAD PROJECTS



Much of the talk surrounding Major Moves has been abstract. Debates such as "Is foreign investment the right thing to do?" and "Is 75 years too long?" were common. But now that Major Moves has passed, it is important that people know what benefits they will receive.

The money from the lease will be used to fund a number of big state road projects, including those noted below.

In addition, because of the size of the lease payment, over \$150 million will be disbursed to cities, counties and towns to help fund local projects.

Both Allen County and the City of Ft. Wayne will each receive over \$3 million to help fund some badly needed projects, including many in our district.

## Some of the Local Projects

- Ind. 14 — widening from Hadley Road to West Hamilton Rd.
- I-69 — Completion of widening from Lima Road to DuPont Road.
- US 24 — Construction of Indiana's portion of the "Fort to Port" project.

## Some of the Statewide Projects:

- US 31 — New expressway from South Bend to Indianapolis.
- I-69 — New interstate from Indianapolis to Evansville.
- Ind. 25 — Re-construct from Logansport to Lafayette to complete the "Hoosier Heartland Corridor."

For more information please visit this informational website:

[www.in.gov/gov/majormoves](http://www.in.gov/gov/majormoves)





Senator Long speaks on a bill.

### Saving Hoosier Farm Wineries

Often overlooked in Indiana is the growth and popularity of the Hoosier wine industry. More than 30 wineries now thrive in our state, but a recent United States Supreme Court decision threatened their survival.

In May 2005, the US Supreme Court ruled that both "in-state" and "out-of-state" wineries must be treated the same. That meant Indiana's direct-to-consumer shipping practices that applied only to Indiana wineries were unconstitutional. To remedy this problem, lawmakers undertook the difficult task of finding a compromise that ensured survival of our wineries while protecting our state's public policy of preventing underage drinking.

The General Assembly succeeded in passing House Bill 1016, which creates a direct wine-seller's permit for both in-state and out-of-state wineries, thereby putting everyone on an equal playing field.

Consumers who order wine must have an Indiana address, their intended use must be personal, and they must verify that they are at least 21 years old.

The new law limits the amount of wine a winery can ship directly to an Indiana consumer to 24 cases per year, and also limits wineries to 3,000 cases that can be shipped to all Indiana consumers in any one year.

The Indiana farm winery industry is a fast growing part of our economy, and I am pleased that a resolution was reached that ensures this industry continues to thrive in the future.

**SEA 75** — This legislation, which I authored, establishes a military family relief fund for Indiana National Guard members and Indiana armed forces reservists called into active duty after September 11, 2001. It is modeled after a similar program enacted in Illinois in 2003. **PASSED. My vote: YES**

## Telecommunications Bill Should Save Money for Hoosiers

### General Assembly Votes to Deregulate Services

While much of the discussion in this year's session centered on physical infrastructure like roads and bridges, the General Assembly made a historic change in its "unseen" infrastructure. Through reforms made in House Enrolled Act 1279, Indiana will see lower cable prices, increased competition and a wave of investment in the state.

Experts have called HEA 1279 the most aggressive telecommunications reform in the nation and say it will likely be a model that other states are sure to follow. The bill includes several provisions designed to give Hoosiers access to the best technology at a reasonable price. It contains two major provisions:

**Statewide Video Franchising** - Following the model used in Texas, HEA 1279 creates a streamlined process through which video providers (such as cable companies) can enter a market and compete for customers. Known as statewide video franchising, this process will result in more video competition and lower prices for consumers. Since September, when Texas statewide franchising went into effect, more 120 franchises have been granted to competing companies.

HEA 1279 will eliminate the current virtual monopoly of cable providers and give most Hoosiers a choice in video service. In February, Ball State University's Digital Policy Institute released a study saying Hoosiers could save a total of \$262 million on their cable bills annually as a result of new choices.

**SEA 111** — This legislation makes several provisions regarding students' health and nutrition, including the establishment of a student health advisory council, nutritional requirements for foods and beverages, and daily physical activity for students. **PASSED. My vote: YES**



Senator Long discusses a bill on the Senate floor with Senator Bob Meeks.

**Telephone deregulation** - A recent survey of CEOs in Site Selection Magazine showed that access to high-speed communications is the most important factor in drawing new business development to a particular state. HEA 1279 encourages telephone companies to deploy more high-speed Internet, called broadband, by gradually deregulating basic phone services if broadband is made available. Companies must be able to offer high speed Internet to 50 percent of households in any given exchange before they can raise rates in that exchange. Monthly basic rates may increase by only \$1 per year until 2009.

The new law also contains protection for low-income Hoosiers. HEA 1279 establishes the Indiana "Life Line" program that provides discounted telephone rates to Hoosiers below 150 percent of the federal poverty level. This is a supplement to the federal program, which aids consumers with a household income below 135 percent of the federal poverty level. Consumers will also be protected through a ban on "local measured service," which is the practice of charging for local phone calls by the minute.

This legislation was a rare opportunity to create jobs while lowering prices and improving customer satisfaction. Independent think-tank FreedomWorks has said HEA 1279 will create 20,000 new jobs and \$7 billion in investment in Indiana. And that is an opportunity that can't be passed up.

**SEA 145** — This bill was created to prevent repeat offenses of drunk driving. It allows the seizure of a person's vehicle if they have a third conviction of driving while intoxicated. **PASSED. My vote: YES**

## Senator Long Supports Local Government Consolidation Legislation

### Allen County Senator Adds Language to Benefit District 16

"Home Rule" is once again a hot topic around the Statehouse. It is the idea that local officials typically know what's best for their communities and that they should be provided with greater freedom to make decisions. That principle is carried forth this year in House Enrolled Act 1362, which gives local governments the right to consolidate without legislative approval.

State government should be in the business of encouraging local officials to find ways to save taxpayer dollars. Many believe that significant savings can be achieved by allowing a city to merge with a county, a town to merge with a city, or townships to merge with each other. Unfortunately, the current process of accomplishing such a merger is time-consuming and political.

In his State of the State address, Governor Mitch Daniels said, "How ironic that Indiana...leads the nation in the number of politicians we elect. How curious that Hoosiers, strong believers in local control, have imprisoned mayors and county officers in a system that prevents major change with-



Interns play an important role during the legislative session.

out state approval.

HEA 1362 allows either a government unit's legislative body, or voters who reside within that unit, to initiate mergers. Once two localities start the merger process, a committee of local leaders is formed to work out the details. Finally, when a reorganization plan is complete, the proposal will be placed on the local ballot.

**Senator David Long placed several key amendments into the bill to address con-**

cerns of Allen County's small cities and towns, and residents of rural areas:

- Unless a city, town or township seeks to participate in a consolidation, it will remain separate, with all of its powers and duties intact.
- Existing tax burdens of one consolidating entity may not be transferred to taxpayers who did not owe those taxes prior to the consolidation. For example, if Fort Wayne and Allen County's governments merged, the city's existing pension debt could not be transferred to county taxpayers who did not live in the city prior to the merger.

By giving the people a voice in government consolidation, we can ensure that such a move won't be forced on an unwilling population. Nor will a populace that desires a change be forced to wait for the state to respond.

Local governments must slow the growth of property taxes, and cutting the cost of local government is the best way to do it. This bill can help make that happen.

## Long Helps Pass New Eminent Domain Law to Protect Our Property Rights

The right to own property is one of the principal foundations of a free society. We are all familiar with the theory of an individual's right to "life, liberty, and the pursuit of happiness", which is so famously set out in our Declaration of Independence. Inherent to that basic concept is the right to freely own private property.

Last summer, the U.S. Supreme Court issued a ruling that threatens this right. In *Kelo v. City of New London*, the Court said that government may "take" private property for economic development, which was a major expansion of eminent domain. The Court suggested that increasing the government's tax base was a legitimate public purpose for taking private property! Justice Sandra Day O'Connor wrote in an angry dissent that "nothing is to now prevent the state from replacing any Motel 6 with a Ritz-Carlton; any home with a shopping mall, or any farm with a factory."

Luckily, the Supreme Court left a loophole in its ruling, stating that any state had the right to restrict the use of eminent domain as they saw fit. The Indiana legislature has acted swiftly with the passage this year of House Bill 1010.

A new, far tougher eminent domain law has been passed that focuses on protecting private property rights first, and places government's interests a distant second. **Senator David Long chairs the Senate committee that worked on the new law, and his pro-property owner stance helped ensure that the bill would protect our property rights against indiscriminate government seizures.**

The new law requires that the purpose for using eminent domain be something that truly benefits the public. Thus, eminent domain can be used for a legitimate government purpose such as building a road or school, or laying an

underground water or sewer line. However, it is now clear that increasing a local government's tax base is not a valid public purpose.

The new law also includes other pro-property owner provisions, such as placing time limits on eminent domain so property owners are not left in limbo for years at a time, and requiring true compensation for Hoosier property owners when eminent domain is actually utilized. The law also requires that government use good faith negotiations at all times with a property owner, which should prevent tactics such as intimidation or threats to get a property owner to agree to a settlement.

When used appropriately, and for a very limited purpose, eminent domain has a place in our lives; however, the Indiana legislature has now made sure that eminent domain can only be used rarely, and that Hoosier property rights will always come first.